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7 Attorneys for Defendants  
FIRST NATIONAL BANK OF  
8 NORTHERN CALIFORNIA,  
KATHY CASTOR, and RANDY BRUGIONI  
9

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13 NICK MAKREAS,

14 Plaintiff,

15 v.

16 FIRST NATIONAL BANK OF NORTHERN  
17 CALIFORNIA, a business entity, Form  
Unknown; T.D. SERVICE COMPANY a  
18 business entity, Form Unknown; KATHY  
CASTOR, an individual; RANDY BRUGIONI,  
19 an individual; COUNTY OF SAN MATEO; SAN  
MATEO COUNTY SHERIFF'S OFFICE; SAN  
20 MATEO COUNTY SHERIFF GREG MUNKS,  
in his individual and official capacity; SAN  
21 MATEO COUNTY SHERIFF'S DEPUTY  
STEPHEN DUVALL, in his individual and  
22 official capacity; SAN MATEO COUNTY  
SHERIFF'S DEPUTY HOSS, in his individual  
23 and official capacity; SAN MATEO COUNTY  
SHERIFF'S DEPUTY VALENCIA, in his  
24 individual and official capacity; Employees  
DOES 1 through 25 INCLUSIVE, in their  
25 individual and official capacity; and DOES 26  
through 50 INCLUSIVE, et al.,

26 Defendants.  
27  
28

CASE NO. CV-11-02234 JSW

HONORABLE JEFFREY S. WHITE

**STIPULATION RE REQUEST TO  
EXTEND DEADLINE FOR FILING  
MOTIONS FOR SUMMARY  
JUDGMENT; [~~PROPOSED~~] ORDER  
THEREON**

1 This stipulation is entered into by Defendants First National Bank of Northern California,  
2 Kathy Castor, and Randy Brugioni (collectively “FNBNC Defendants”), Defendant T.D. Service  
3 Company, and Plaintiff Nick Makreas (collectively “Parties”) by and through their respective  
4 counsel of record.

5 **FACTUAL RECITALS**

6 This Stipulation is entered into in reference to the following facts:

- 7 1. On June 29, 2012, the Parties appeared at a Case Management Conference in this  
8 matter during which the Court set the following deadlines for filing motions for summary  
9 judgment:
- 10 a. Hearing on March 1, 2013 at 9:00 a.m.
  - 11 b. Briefing as follows:
    - 12 i. One party files an opening summary judgment motion by January 4,  
13 2013;
    - 14 ii. The other party shall file its opposition and cross-motion by January 18,  
15 2013;
    - 16 iii. The reply and opposition to the cross-motion is due by February 1,  
17 2013; and
    - 18 iv. The reply in support of the cross-motion is due by February 8, 2013.
  - 19 2. On June 29, 2012, the Court further set a discovery cut-off of December 10, 2012.
  - 20 3. On October 10, 2012, the Court entered an order continuing the discovery cut-off to  
21 January 9, 2013.
  - 22 4. On October 26, 2013, Plaintiff filed Notice of Motion and Motion for Leave to File  
23 Second Amended Complaint (“Motion”). The Motion seeks to dismiss the Fair Debt Collection  
24 Practices Act cause of action and add a cause of action for Intentional Infliction of Emotional  
25 Distress. The Motion is scheduled for hearing on January 25, 2012.
  - 26 5. Each of the parties currently intends to file a motion for summary judgment.
  - 27 6. Counsel for Plaintiff has indicated that he is not currently prepared to file a motion

1 for summary judgment because he has not completed the depositions of the FNBNC Defendants.

2 7. The FNBNC Defendants and Defendant T.D. Service Company are likewise unable  
3 to file motions for summary judgment at this time as the pleadings are unsettled as a result of the  
4 pending Motion, which will not be decided until January 25, 2013.

5 8. Trial in this matter is set for June 3, 2013.

6 9. The Parties previously stipulated to extend the deadline by which they were to  
7 complete mediation from September 27, 2012 to October 5, 2012, which request was granted by  
8 the Court.

9 10. The requested continuance of the deadlines for filing dispositive motions will not  
10 adversely affect the schedule of this case.

11  
12 **STIPULATION**  
13

14 In light of the foregoing facts, the Parties agree as follows:  
15

16 The deadlines related to the filing and hearing on dispositive motions should be continued  
17 as follows:

18 a. Hearing on March 29, 2013 at 9:00 a.m.

19 b. Briefing as follows:

20 i. Defendants shall file their opening summary judgment motions by  
21 February 1, 2013;

22 ii. Plaintiff shall file his oppositions and cross-motion by February 15,  
23 2013;

24 iii. Defendants shall file replies and oppositions to the cross-motions by  
25 March 1, 2013; and

26 iv. Plaintiff shall file his reply in support of the cross-motion by March 8,  
27 2013.

**SO STIPULATED.**

DATED: December 28, 2012

FRIEDEMANN GOLDBERG LLP

By: /s/ John N. MacLeod  
JOHN N. MACLEOD  
Attorneys for Defendants  
FIRST NATIONAL BANK OF NORTHERN  
CALIFORNIA, KATHY CASTOR, and  
RANDY BRUGIONI

DATED: December 28, 2012

THE DREYFUSS FIRM, a Professional Law  
Corporation

By: /s/ Lawrence J. Dreyfuss  
LAWRENCE J. DREYFUSS  
Attorneys for Defendant  
T.D. SERVICE COMPANY

DATED: December 28, 2012

THE GOODELL LAW FIRM

By: /s/ Nelson W. Goodell  
NELSON W. GOODELL  
Attorney for Plaintiff  
NICK MAKREAS

*Filer's Attestation: Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, John N. MacLeod hereby attests that concurrence in the filing of this document has been obtained.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: January 3, 2013

  
UNITED STATES DISTRICT COURT JUDGE